

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

In re: PHARMACEUTICAL INDUSTRY)
AVERAGE WHOLESALE PRICE)
LITIGATION) MDL No. 1456
) Master Case No. 01-12257-PBS
THIS DOCUMENT RELATES TO:)
) Subcategory Case No. 06-11337-PBS
<i>United States of America ex rel. Ven-a-Care</i>)
<i>of the Florida Keys, Inc. v. Dey, Inc., et al.,</i>)
Civil Action No. 05-11084-PBS)
)

STIPULATION OF DISMISSAL WITH PREJUDICE

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the *qui tam* provisions of the False Claims Act, 31 U.S.C. § 3730(b)(1), and in accordance with the terms of the Settlement Agreement attached as Exhibit A hereto, the United States, Relator Ven-A-Care of the Florida Keys, Inc. and Defendants Dey, Inc., Dey Pharma, L.P., and Dey L.P., Inc. (collectively “Dey”) hereby stipulate to the entry of an order dismissing the First Amended Complaint against Dey with prejudice.

Respectfully submitted,

TONY WEST
ASSISTANT ATTORNEY GENERAL

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UNITED STATES ATTORNEY

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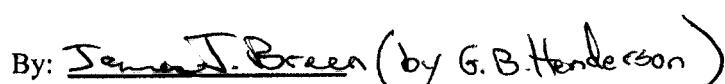
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L.P., Inc., and Dey, Inc.

FOR THE RELATOR

By: 
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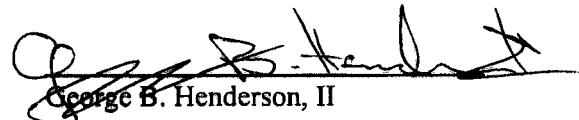
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Dated: 12/22/2010

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused an electronic copy of the above document to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

Dated: December 22, 2010



George B. Henderson, II

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AVERAGE WHOLESALE PRICE)
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United States of America ex rel. Ven-a-Care of)
the Florida Keys, Inc. v. Dey, Inc., et al., Civil)
Action No. 05-11084-PBS)

ORDER OF DISMISSAL WITH PREJUDICE

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the *qui tam* provisions of the False Claims Act, 31 U.S.C. § 3730(b)(1), the United States, Relator Ven-A-Care of the Florida Keys, Inc. and Defendants Dey, Inc., Dey Pharma, L.P., and Dey L.P., Inc. (collectively “Dey”) have filed a Stipulation of Dismissal with Prejudice. Upon due consideration of the Stipulation, IT IS HEREBY ORDERED that, consistent with the terms of the Settlement Agreement attached to the Stipulation as Exhibit A,

1. The above-captioned action is dismissed with prejudice;
2. This Order resolves all claims against Dey for the federal share of Medicaid program payments brought in the above-captioned Civil Action;
3. Each party shall be responsible for its own expenses, attorneys’ fees, and costs; and
4. The Court shall retain jurisdiction with respect to any dispute under the Settlement Agreement or this Order.

This _____ day of _____, 2010.

PATTI B. SARIS
UNITED STATES DISTRICT JUDGE